

1 IN THE UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 UNITED STATES OF AMERICA, )  
4 vs. ) Case No. 22-20187  
5 RICARDO DELGADO, II, ) Bay City, Michigan  
6 Defendant. ) March 28, 2022  
7 ) 3:05 p.m.

8 TRANSCRIPT OF DETENTION HEARING  
9 BEFORE THE HONORABLE PATRICIA T. MORRIS  
10 UNITED STATES MAGISTRATE JUDGE

11 APPEARANCES:

12 For the Government: TIMOTHY M. TURKELSON  
13 United States Attorney  
14 Eastern District of Michigan  
15 101 First Street  
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18 For the Defendant: RODNEY J. O'FARRELL  
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26 TRANSCRIPT PRODUCED FROM DIGITAL VOICE RECORDING  
27 TRANSCRIBER NOT PRESENT AT LIVE PROCEEDINGS

P R O C E E D I N G S

(At 3:05 p.m., proceedings commenced.)

(Defendant present.)

THE CLERK: The Court calls the case of the United States of America versus Ricardo Delgado, Case No. 22-30150.

THE COURT: Good afternoon. Could I have the attorney appearances, please.

MR. TURKELSON: Good afternoon, Your Honor. May it please the Court, Tim Turkelson on behalf of the United States, and present with me is Assistant United States Attorney William Vaillliencourt.

THE COURT: Thank you, Mr. Turkelson.

MR. O'FARRELL: Good afternoon, Your Honor. Rod O'Farrell on behalf of Mr. Delgado, who is standing to my immediate left.

THE COURT: Thank you, Mr. O'Farrell. So we're here today for purposes of a detention hearing. Everyone has the Pretrial Services report, I assume, unless I hear otherwise. And has the status of the case changed? Is the Government still moving for detention?

MR. TURKELSON: Government is moving for detention, Your Honor.

THE COURT: And the defense arguing for release?

MR. O'FARRELL: Yes, Your Honor.

THE COURT: All right. Very well. Then we can

1 proceed.

2           Go ahead, Mr. Turkelson. And as we've indicated in  
3 the other prior cases related to this one, this case does carry  
4 a presumption in favor of detention, right?

5           MR. TURKELSON: I would agree, Your Honor. And I  
6 think the defendant recognizes that as well as he noted to  
7 Pretrial Services when asked to be interviewed, "I know I'm not  
8 going anywhere, so I don't want to waste anyone's time." I  
9 would also agree with that sentiment.

10           Your Honor, this is a case in which we've had an  
11 ongoing criminal investigation involving this drug trafficking  
12 organization for just over a year now. During the course of  
13 that year, we've executed numerous search warrants, and it's  
14 become very apparent during the course of investigation that  
15 Ricardo Delgado and Gregory Hayes are partners in the drug  
16 trafficking organization and are responsible for distributing  
17 kilos of cocaine and some heroin throughout the Saginaw region.

18           Investigation has shown that Delgado has a direct  
19 line with coconspirators in Mexico, whom he works with to  
20 obtain the controlled substances on a regular basis,  
21 approximately every two weeks or so. It appears Delgado and  
22 Hayes are working together to bring in more than 25 kilograms  
23 of cocaine and, like I said, some heroin every two weeks.  
24 Delgado and Hayes then use their own people whom they work with  
25 to distribute the drugs.

1           The investigation revealed that Delgado relied  
2 heavily on Austin Saucedo, Jonathan Coronado, and Aristeo  
3 Delgado to assist him in distributing the drugs. Delgado has  
4 been also overheard commenting to have -- that he has shooters  
5 working for him and he wants to get more shooters.

6           The investigation has also revealed that Delgado  
7 rarely, if ever, distributes the controlled substances in  
8 amounts less than kilograms. Every now and then he'll break a  
9 kilo in half, but the vast majority of the time he deals solely  
10 in kilograms of cocaine.

11           On March 22nd of 2022, agents were continuing to  
12 monitor several lines of Mr. Delgado, and on that particular  
13 occasion, agents became aware of the fact that Jonathan  
14 Coronado, again one of Mr. Delgado runners or assistants, had  
15 tried to sell a kilogram of cocaine and he was ripped off or he  
16 was robbed on that occasion.

17           After informing Delgado of the robbery, Delgado told  
18 Coronado that he needed to go back and shoot up -- shoot the  
19 place up. During intercepted calls of Delgado, he was further  
20 overheard -- overheard telling Coronado that he needed to have  
21 one in the chamber, and you need to have at least two loaded  
22 magazines and hopefully you can dump both magazines.

23           Delgado was also overheard telling Hayes about the  
24 robbery and telling Hayes that he told Coronado that he needed  
25 to go lay them down. Agents believe that this was meant to

1 indicate that Coronado was told he needed to kill these people.

2           Based on the obvious threats, agents immediately  
3 notified uniformed officers in the City of Saginaw to respond  
4 to the area of the suspected shooting. Agents also responded  
5 to that area as well. Delgado could even be overheard on the  
6 phone indicating that he was surprised about the presence of  
7 law enforcement in the area.

8           It was also of an assistance that Delgado, over his  
9 own phone, proceeded to tell Coronado how to get to the  
10 location because that's what let law enforcement also know how  
11 to get to the location.

12           We believe that Saucedo was involved in this  
13 attempted shooting as a lookout. Officers stopped Saucedo and  
14 Delgado who were in separate vehicles. Officers didn't at that  
15 time disclose the existence of the wire, but told Saucedo and  
16 Delgado that they were stopping all vehicles in the area  
17 because they were having problems in the area.

18           Officers at that point -- and our agents weren't  
19 necessarily sure how we were going to proceed with the wire at  
20 that point. However, we realized we didn't get the shooter or  
21 the proposed shooter, which was Coronado. And at that point,  
22 Your Honor, it was decided that we were going to have to take  
23 down and arrest -- take the wire down and arrest Delgado and  
24 his associates.

25           As Delgado drove away on this particular occasion, he

1 could be overheard on the wire saying to Hayes that these  
2 things are dirty, don't talk on them and we have to meet.

3           This is not the first time that Delgado has felt --  
4 has been robbed, and it's not the first time he's threatened to  
5 harm those who have robbed him. Delgado, in I believe February  
6 of this year, had a vehicle with a trap in the vehicle, and I  
7 think traps are a consistent theme in this case in terms of the  
8 vehicles, in terms of the homes, in terms of Delgado's own  
9 personal home, in terms of vehicles that Delgado operates.  
10 Traps are a consistent theme that are used to hide drugs, guns  
11 and money.

12           As I was saying, he had a vehicle that contained a  
13 trap that was able to contain approximately 15 kilos of  
14 controlled substances. Delgado was very angry with the fact  
15 that his vehicle was stolen, the vehicle that contained the  
16 trap was stolen, and that whoever did it actually broke into  
17 the trap and took the cocaine out.

18           Delgado was able to make arrangements to get the  
19 vehicle back from the Chicago area and that also involved a  
20 potential Chicago policeman who assisted in getting the vehicle  
21 back. And Delgado then discussed with Hayes the fact that he  
22 had a suspicion of who the person was that ripped him off. He  
23 wanted to enact revenge against that person, but that person  
24 was related to his source in Mexico and he would never get the  
25 green light. So it wasn't that he wasn't willing to enact

1 revenge, it's just that he couldn't get the green light to do  
2 so.

3           Shortly after this purported shooting or this  
4 potential shooting on March 22nd, agents went ahead and  
5 arrested Delgado and his three -- or two of his associates at  
6 the Flying J gas stop or gas station on -- off 75 there in  
7 Saginaw and, shortly thereafter, they arrested Hayes, who was  
8 at a Lowe's, and they eventually arrested Coronado, who was  
9 going to Delgado's House on Dixie and was found with a gun.

10           Agents also executed approximately six search  
11 warrants on that late evening in the early hours of March 23rd.

12           Specifically, when they hit Delgado's house, they located in  
13 excess of 13 1/2 kilograms of cocaine, which certainly supports  
14 what agents were hearing over the wire and hearing over the  
15 phone, Delgado consistently making arrangements for in excess  
16 of 20, 25 kilos every several weeks, and that certainly  
17 confirms that that was the amounts that we were dealing with.

18           They also located in a step on the stairs that had a  
19 magnetic switch on it that was controlled with sort of a --  
20 like a car key fob that would engage or disengage the  
21 electronic magnet, in that step they found in excess of  
22 \$200,000. They found guns. They also found approximately 13  
23 guns at the residence. In addition to guns, they found  
24 silencers or suppressors, and they also found switches that  
25 would allow a semiautomatic weapon to fire as an automatic

1 weapon.

2           At Hayes' houses they located two kilos of cocaine  
3 and about \$25,000 of cash in addition to some additional  
4 firearms. This is an extensive conspiracy.

5           This Court has recognized, as the Court of Appeals  
6 has recognized, that those who distribute controlled substances  
7 per se pose a danger to the community. Delgado and Hayes are  
8 the tip of the spear that is involved in this conspiracy.  
9 Without Delgado and his connections to Mexico, they don't have  
10 a successful drug conspiracy. He is -- and Hayes are the  
11 people that make that work. He is and remains a danger to the  
12 community.

13           But especially is -- to highlight that is the fact  
14 that Delgado himself orders a shooting when he gets ripped off.  
15 And not only orders the shooting but goes to the area of the  
16 shooting to help ensure that it's done. Tells Coronado, make  
17 sure you got one in the chamber, unload both magazines on him.  
18 So not only does he sell drugs, he imposes violence to help  
19 ensure his sale of drugs in the community, and all the proof of  
20 this are Delgado's own words.

21           The word on the street right now, Judge, is that  
22 Delgado and those associated with him are trying to find out  
23 who cooperated to, again, enact revenge. Well, there's one  
24 person Delgado should be looking at, and that's the mirror.  
25 It's Delgado's own words that have sunk him and will continue



1 to sink him throughout the course of not just this hearing, but  
2 as we move forward.

3           And what's especially troublesome is Delgado, this  
4 isn't his first go-around. Your Honor's had a chance to look  
5 at this criminal history. Pretrial Services has had a chance  
6 to examine his criminal history. They've recommended that he  
7 not be permitted bond. I think their recommendation is exactly  
8 right. This is a guy who's been to federal penitentiary on no  
9 less than two occasions for distribution of cocaine, exactly  
10 what he's here for now. Possessions of weapons in the  
11 furtherance of distribution of controlled substances, exactly  
12 what he'll be charged with here.

13           Now, I recognize he's not charged yet with those  
14 counts because it's just a complaint, but upon the indictment,  
15 that's exactly what he's looking for -- looking at in this  
16 case.

17           He certainly is eligible for enhancement under the  
18 851 statute, and so he's looking at a minimum of 15 years on  
19 the drug conspiracy charges, coupled with additional penalties  
20 for the possessing firearms in the furtherance of the drug  
21 conspiracy. This is a defendant who not only poses a risk,  
22 that is willing to enact revenge to further those risks and  
23 those dangers that he poses, Your Honor. I haven't even  
24 touched on his state criminal history, because I don't think  
25 it's necessary.

1           He's absolutely a risk to the community. I don't  
2 believe he should be entitled to bond. I think we've proven by  
3 clear and convincing evidence that he doesn't have -- doesn't  
4 deserve the benefit of a bond in this particular case, Your  
5 Honor.

6           Thank you.

7           THE COURT: Thank you, Mr. Turkelson.

8           Go ahead, Mr. O'Farrell.

9           MR. O'FARRELL: Thank you, Your Honor. I won't take  
10 up much of the Court's time. Unfortunately, of course, with  
11 the stance of the case at this point, I have no discovery.

12           The complaint did not refer to the extensive  
13 months-long investigation as described, and I think there are  
14 questions in regard to the accuracy of the complaint and  
15 inconsistencies within the complaint which could be raised at  
16 the appropriate time.

17           And, as I have explained to my client, the issue can  
18 again be taken up as far as pretrial release if there is a  
19 change in circumstances, which might become evident as the  
20 discovery is disclosed and the question of the legality of the  
21 investigation in terms of its phases and authorizations can be  
22 taken up to see what's left that is actually admissible against  
23 my client.

24           With that, Your Honor, unless the Court had some  
25 question for me, I have no further comment.

1 THE COURT: All right. Thank you, Mr. O'Farrell.

2 In looking at the factors under -- I should have  
3 asked, Mr. Turkelson, did you have anything you wanted to say  
4 in rebuttal?

5 MR. TURKELSON: No, Your Honor. Thank you though.

6 THE COURT: All right. Thanks. In looking at the  
7 factors under Section 3142(g), first is the nature and  
8 circumstances of the offense charged, and here we do have a  
9 presumption in favor of detention.

10 As to the weight of the evidence against the person,  
11 of course, that's the weight of the evidence of dangerousness,  
12 not the weight of the evidence of guilt here in the Sixth  
13 Circuit.

14 As far as the history and characteristics of the  
15 person, those include all of the things that are addressed here  
16 in the Pretrial Services report. Obviously, this defendant  
17 does have good connections to the -- to the area. He's lived  
18 here, has family here, does have a job here with Unique  
19 Transport, which I assume he's doing the car sales, buying and  
20 selling cars. Decent health.

21 And when it comes to his record then, which is one of  
22 their larger things that are looked at under this particular  
23 factor under 3142(g), this defendant does have an extensive  
24 history. He has several controlled substance convictions,  
25 possession with intent to deliver, a prior conspiracy to

1 possess with intent to deliver and -- as the most recent one,  
2 which was the 2013, the same controlled substances with  
3 possession with intent to deliver, and he was on supervised  
4 release from this -- from that case, the 2013 case, at the time  
5 of the instant offense.

6           He also has a felony weapons conviction. In that  
7 case, that was the one where the -- it was a state case, where  
8 the felony kidnapping he was found not guilty, but he was found  
9 guilty of the felon in possession. So certainly his history is  
10 one of controlled substance delivery in the past and drug  
11 trafficking. He also has one failure to appear, and an instant  
12 where he fled on foot.

13           As the Government noted, there's the 851 enhancement  
14 that's possible here and some additional charges.

15           So as everyone is aware, the standard is lower when  
16 it comes to the risk of nonappearance. This defendant is  
17 facing severe penalties and additional charges, as well as with  
18 the prior situation where he fled and one failure to appear.  
19 The Court could find that there are no condition or combination  
20 of conditions that could reasonably assure his appearance based  
21 on that lower preponderance of the evidence standard.

22           Also in this case, though, I think the more important  
23 argument which was focused on by counsel, both counsel, is the  
24 level of danger -- dangerousness, and in this case, this is one  
25 of those scenarios that I think Congress was absolutely

1 contemplating when they set the presumption in favor of  
2 detention because they -- it was their thinking, and it's borne  
3 by this -- facts in this case, as proffered by the Government,  
4 that continued drug trafficking is a per se danger to the  
5 community.

6           In this case, it's apparent that when you mix large  
7 quantity of drugs with weapons, it is dangerous. It's a  
8 dangerous business. Here, in particular, we have Mr. Delgado  
9 is the person who had the connection to Mexico to provide the  
10 supply. He was dealing in big quantities and, you know, never  
11 hardly less than a kilogram. It was rare for them to deal in  
12 anything less than that.

13           He is moving a large quantity of drugs, you know, 25  
14 kilos every two weeks through his chains of suppliers dealing  
15 back to -- going back to Mexico. This is a large cash, large  
16 drug operation. Firearms are a part of the situation.  
17 Firearms were found pursuant to search warrants in homes, on  
18 people.

19           It appears, anyway, from the proffer that Mr. Delgado  
20 is the one who has shooters available to him that work for him  
21 if someone should -- like -- like was done and is alleged in  
22 this instance Mr. Coronado was robbed, and so it was  
23 Mr. Delgado who was the one who had the power to order up --  
24 order up the shooting, as the Government noted, with his own  
25 voice because they had the wiretap on the phone telling

1 Mr. Coronado to shoot the house up and to, you know, empty  
2 the -- empty the two magazines as well as the one in the  
3 chamber and to lay them down.

4           Mr. Delgado was also the one smart enough to figure  
5 out that not to talk on the phones because they were dirty,  
6 which was true, and there was another allegation of Mr. Delgado  
7 talking to Hayes about getting revenge for another misdeed that  
8 was done to the organization, but that he was unable to get the  
9 green light or the okay from his connections in Mexico to do it  
10 so they -- Mr. Delgado has been, unfortunately for him, at  
11 the -- at the heart of the allegations involving exacting  
12 revenge on those that either steal from or otherwise harm the  
13 drug conspiracy that is going on here.

14           And so of all -- of all the people, this is a -- this  
15 is a -- this is a dangerous conspiracy in and of itself, and of  
16 all the people, Mr. Delgado is -- is probably the most  
17 powerful, perhaps the smartest, and the most important person  
18 in the group; and, unfortunately for Mr. Delgado, that means  
19 he's also the one with the most power to exact dangerous --  
20 dangerous things like the shootings that were contemplated  
21 here.

22           And so under this -- under these circumstances,  
23 there's just -- it would be impossible for the defense, as good  
24 as defense counsel is, to rebut the presumption in favor of  
25 detention. And because I find that there is no condition or

1 combination of conditions that I could put in a bond to allay  
2 the danger that this defendant poses to the community should he  
3 be released, he will be ordered detained pending trial.

4 Anything further for this record, Mr. Turkelson?

5 MR. TURKELSON: Nothing, Your Honor. Thank you.

6 THE COURT: Anything from you, Mr. O'Farrell?

7 MR. O'FARRELL: No, Your Honor. Thank you.

8 THE COURT: All right. Thank you very much.

9 (At 3:25 p.m., court recessed.)

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#### C E R T I F I C A T E

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I certify that the foregoing is a correct transcript  
16 from the digital sound recording of the proceedings in  
the above-entitled matter.

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Date: 6-29-2022

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